

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KUMARI GREEN,
Plaintiff,

-vs.-

COMMERCIAL RECOVERY SERVICE #2, LLC,
a Michigan company,
Defendant.

COMPLAINT AND JURY DEMAND

**NOW COMES THE PLAINTIFF, KUMARI GREEN, THROUGH COUNSEL,
MICHIGAN CONSUMER CREDIT LAWYERS, BY GARY D. NITZKIN**, and for his
Complaint against the Defendant, pleads as follows:

JURISDICTION

1. This is an action for damages, brought against a debt collector for violating the Fair Debt Collection Practices Act at 15 U.S.C. § 1692 et seq. ("FDCPA"), Michigan Collection Practices Act at M.C.L. § 445.251 et seq. ("MCPA") and the Michigan Occupational Code at M.C.L. § 339.901 et seq. ("MOC").

VENUE

2. The transactions and occurrences which give rise to this action occurred in Wayne County, Michigan.
3. Venue is proper in the Eastern District of Michigan.

PARTIES

4. The Defendant to this lawsuit is Commercial Recovery Service #2, LLC, which, upon, information and belief, is a Michigan company that maintains registered offices in Macomb County.

GENERAL ALLEGATIONS

5. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Michigan Head Spine in the amount of \$12,306.00 with account number D80199N1 (the “Debt”).
6. On or about May 5, 2016, Mr. Green obtained his Equifax credit report and noticed that Defendant reported the alleged Debt.
7. On or about May 25, 2016, Mr. Green submitted a letter to Defendant disputing the alleged Debt.
8. On or about June 29, 2016, Mr. Green obtained his Experian credit report and noticed that Defendant failed to flag the alleged Debt as disputed.
9. On June 16, 2016, State Farm obtained Plaintiff’s Experian credit file.
10. On or about July 11, 2016, Mr. Green sent another letter to Defendant disputing the alleged Debt.
11. On or about September 21, 2016, Credit Karma, Inc. obtained Plaintiff’s Equifax credit file.
12. On or about September 27, 2016, Mr. Green obtained his Equifax credit file and noticed that Defendant failed to flag the alleged Debt as disputed, in violation of the FDCPA.

13. On or about September 27, 2016, Mr. Green obtained his Experian credit file and noticed that Defendant failed to flag the alleged Debt as disputed, in violation of the FDCPA.

COUNT I – VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

14. Plaintiff reincorporates the preceding allegations by reference.

15. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

16. Mr. Green is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

17. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

18. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

a. 15 U.S.C. §1692e(2)(A) by misrepresenting the character, amount, or legal status of any debt. Defendant did this when it failed to represent that the status of the alleged Debt was that it was in dispute.

b. 15 U.S.C. §1692e(8) by failing to communicate that a disputed debt is disputed. Defendant did this when it continued to report the Debt on Plaintiff's Experian and Equifax credit files, without indicating that the Debt is disputed and after third parties had obtained these credit files.

c. 15 U.S.C. §1692e(10) by using false representations or deceptive means to collect a debt. Defendant did this when it failed to indicate that the Debt was in dispute.

19. Mr. Green has suffered economic, emotional, general and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant him damages plus costs, interest and attorneys' fees as provided by the Fair Debt Collection Practices Act.

COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE

20. Plaintiff incorporates the preceding allegations by reference.

21. Defendant is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).

22. Mr. Green is a debtor as that term is defined in M.C.L. § 339.901(f).

23. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the MOC:

- a. MCL §339.915(q) by failing to implement a procedure designed to prevent a violation by an employee.

24. Mr. Green has suffered damages as a result of these violations of the Michigan Occupational Code.

25. These violations of the Michigan Occupational Code were willful.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant him damages plus costs, interest and attorneys' fees as provided by the Michigan Occupational Code.

**COUNT III - VIOLATION OF THE MICHIGAN COLLECTION
PRACTICES ACT**

26. Plaintiff incorporates the preceding allegations by reference.
27. Defendant is a "Regulated Person" as that term is defined in the Michigan Collection Practices Act ("MCPA"), at MCL § 445.251.
28. Mr. Green is a "consumer" as that term is defined at MCL § 445.251.
29. Defendant's foregoing acts in attempting to collect this debt violated the following provisions of the MCPA:
 - a. MCL §445.252(q) by failing to implement a procedure designed to prevent a violation by an employee.
30. Mr. Green has suffered damages as a result of these violations of the MCPA.
31. These violations of the MCPA were willful.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant him damages plus costs, interest and attorneys' fees as provided by the Michigan Collection Practices Act.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

Respectfully submitted.

October 26, 2016

/s/ Gary Nitzkin
GARY D. NITZKIN (P41155)
TRAVIS SHACKELFORD P68710
MICHIGAN CONSUMER CREDIT LAWYERS
Attorneys for Plaintiff
22142 West Nine Mile Road
Southfield, MI 48033
(248) 353-2882
Fax (248) 353-4840
Email – gary@micreditlawyer.com